IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL MISC.APPLICATION NO. 1069 OF 2007
IN
CRIMINAL APPEAL NO. 469 OF 2003

Mr.Vijay Bhiwajirao Palande .. Appellant.

V/s.

The State of Maharashtra .. Respondent.
(at the instance of D.N.
Nagar Police Station)

Mr.H.V.Nimbalkar & Shri Sachin S.Thombare for the Applicant.

Mr.P.S.Hingorani, APP for the Respondent-State.

CORAM : SRI R.M.S.KHANDEPARKAR &
SRI A.A. SAYED, JJ.

DATED : 07TH DECEMBER, 2007.

P.C. :-

. Heard.

2. Considering the discrepancies in the evidence which is sought to be pointed out as being the main ground of challenge to the impugned judgment which relates to the major discrepancies relating to the date pertaining to the place from which the deceased person went missing and the date relating to the last seen theory inasmuch as the case of the prosecution was that the deceased was last seen in the company of the accused

on 25th of January, 1998; whereas the statement to the effect that the deceased person was missing discloses the date of missing as 26th of January, 1998. There appears to be some discrepancy as regards the clothes also which were found on the body of the deceased and the clothes which were stated to be found on his person at the time his family members lost contact with him. It is also sought to be contended that the deceased body was identified by the so-called relations of the deceased only on the basis of the photographs of which negatives have also not been placed on record.

3. Considering all these contentions which are sought to be raised and as the accused is in jail for last 9 years, in our considered opinion this is a fit case for grant of bail to the applicant during the pendency of hearing of the appeal.

4. Hence, the application for bail is allowed. The applicant is directed to be released on bail on execution of personal bond in the sum of Rs.30,000/- (Thirty thousand only) with one or two sureties in the like amount and subject to that the applicant shall report to the D.N.Nagar Police Station, Mumbai on every first Monday of every month between 5.30 p.m. to 7.30 p.m. He shall furnish his residential address to the

said Police Station and in case of any change in his address the same shall be communicated promptly to the concerned police station.

5. The bail application shall stand disposed of.

(A.A.SAYED,J) (R.M.S.KHANDEPARKAR,J.)

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